

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

FRANCISCO MICHAEL MCELFRISH,

Plaintiff,

v.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

Case No. 1: 21-cv-01481-SAB

ORDER GRANTING APPLICATION TO
PROCEED *IN FORMA PAUPERIS* AND
DIRECTING CLERK OF COURT TO ISSUE
AND DELIVER SUMMONS

(ECF Nos. 4, 5)

Plaintiff Francisco Michael McElfresh filed a complaint on October 4, 2021, challenging a final decision of the Commissioner of Social Security denying his application for disability benefits. (ECF No. 1.) Plaintiff did not pay the filing fee in this action and instead filed an application to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915. (ECF No. 3.) The Court found that Plaintiff's application did not demonstrate that he was entitled to proceed in this action without the prepayment of fees and Plaintiff was ordered to file a long form application. (ECF No. 4.) On October 12, 2021, Plaintiff filed a long form application to proceed *in forma pauperis*. (ECF No. 5.) Plaintiff's application demonstrates entitlement to proceed without prepayment of fees.

On April 14, 2020, General Order Number 615 issued staying all Social Security actions filed after February 1, 2020 until the Commissioner may begin normal operations at the Office of Appellate Hearings Operations and may resume preparation of a certified copy of the

1 administrative record. The Court shall order that the complaint in this action be served and the
2 matter will be stayed once service has been effected on the defendant. The parties are hereby
3 directed to paragraph 1 of the scheduling order to be issued in this action, which provides that
4 service of the Defendant shall proceed under the Court's E-service program.

5 Accordingly, IT IS HEREBY ORDERED THAT:

- 6 1. Plaintiff's application to proceed *in forma pauperis* is GRANTED;
- 7 2. The Clerk of Court is DIRECTED to issue a summons and new case documents;
8 and
- 9 3. The Clerk of Court is DIRECTED to deliver to the Commissioner of Social
10 Security Administration and the United States Attorney's Office at their
11 designated email addresses, a notice of electronic filing of this action along with
12 the summons and complaint..

13 IT IS SO ORDERED.

14 Dated: October 13, 2021

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16 UNITED STATES MAGISTRATE JUDGE